THE HONOUABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.1829 of 2006

Between:

Smt.M.C.Lakshmamma. ..
PETITIONER

and

The Joint Collector,
Anantapur and others.
..
RESPONDENTS

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ORDER:

This writ petition is filed seeking a Mandamus to declare proceedings in R.C.No.K4/DMV/1064/2005, dated 04-01-2006 of the 1st respondent-Joint Collector, Anantapur, and proceedings No.1749/04/F, dated 03-10-2005 of the 2nd respondent-Revenue Divisional officer, Dharmavaram, Anantapur District, as arbitrary and illegal and in violation of Article 14 of the Constitution of India.

It appears that the petitioner was a fair price shop dealer of Jakkireddypalli village, Kambadur Mandal, Anantapur District. While so, the villagers of Jakkireddypalli made a complaint against the petitioner on 11-09-2003. Further, they levelled certain allegations against the shop of the petitioner by way of publishing pamplet stating that the petitioner did not distribute the rice for the months of May, June, July and August, 2003, to a tune of 112 kgs. and it is also alleged that the petitioner is selling kerosene oil and essential commodities in black market. It is also stated that the rice belonging to mid-day meals was also sold in black market. The 3rd respondent-Mandal Revenue Officer, Kambadur, Kambadur Mandal, Anantapur District, enquired into the matter and submitted a detailed report. On the basis of the said report, a show-cause notice was issued to the petitioner and the petitioner submitted her explanation denying all the charges levelled against her. After considering the explanation and the other material made

available on record, the authorization of the petitioner was cancelled by the 2nd respondent on 03-10-2005. Aggrieved by the same, the petitioner carried the matter in appeal before the 1st respondent and the 1st respondent dismissed the same by order, dated 04-01-2006. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner strenuously contended that the petitioner distributed rice properly to the cardholders and absolutely there is no lapse on her part and therefore, requested the authorities to drop the charges levelled against the petitioner.

There is no necessity of discussing each and every charge. May be, against some charges, the findings are not properly recorded, but it is sufficient to notice the findings recorded against charge Nos.3 and 4, which read as under:-

> "Charge III:- The F.P. shop dealer has not maintained the sales and stock registers properly.
> Explanation:- The F.P.shop dealer has explained that she has maintained all registers properly. She has requested to drop the above charge.
> Findings:- The enquiry officer has inspected the F.P.shop on 15-09-2003 and verified the sales and stock registers and reported that she has not distributed rice, kerosene and other essential commodities properly and also not maintained above registers properly. It clearly shows that she has not maintained the registers properly and therefore this charge is proved.
> Charge IV:- The F.P.shop dealer has issued 50 kgs. of PDS in the month of August 03 to Smt.Parasappa household supply card No.10426 instead of 20 kgs.
> Explanation:- The dealer has explained that she has given rice to the cardholder only 20 kgs. as per August quota and beyond that excess of rice has not given to a particular cardholder. She has requested to drop the

above charge.

Findings:- The enquiry officer inspected the F.P.shop and found the sales register that the F.P.shop dealer has issued 50 kgs. of rice to the above cardholder. This clearly shows that the F.P. shop dealer distributed rice more than the quantity fixed to the cardholder. Hence this charge is proved."

From the above, it is seen that the Enquiry Officer inspected the Fair Price Shop on 15-09-2003 and verified the sales and stock registers and reported that the petitioner has not distributed rice, kerosene and other essential commodities properly and also not maintained the above registers properly. This clearly shows that she has not maintained the registers properly. Further, under charge No.4, the fair price shop dealer has issued 50 kgs of PDS rice in the month of August, 2003 to Smt.Parasappa household supply card No.10426 instead of 20 kgs. Further, the Enquiry Officer inspected the Fair Price Shop and found in the sales register that the petitioner has issued 50 kgs. of rice against the above cardholder.

In view of the above, there is no necessity to go into all other charges and it cannot be said that the 2nd respondent was not right in cancelling the authorization of the petitioner, which was confirmed by the 1st respondent. Hence, the writ petition is devoid of merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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12-10-2006

Prv